

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

939 ELLIS STREET - SAN FRANCISCO, CALIFORNIA 94109

Environmental Justice Working Group (EJWG) Approved Minutes of January 10, 2001 Meeting

- 1. Welcoming and Introduction.** *EJWG Members Present:* Ellen Garvey, BAAQMD Executive Officer, EJWG Chair; The Hon. Mark Ross, BAAQMD Board; LaRonda Bowen, Facilitator; Lynn Terry, Deputy Executive Officer - CARB; Enrique Manzanilla, Cross-Media Division Director, US EPA Region IX; Ceil Scandone, Senior Planner, ABAG; Henry Clark, West County Toxics Coalition; Bradley Angel, Greenaction; Pablo Lopez, Youth United for Community Action; Pamela Chiang, Asian Pacific Environmental Network; Michael Stanley-Jones, Silicon Valley Toxics Coalition; Olin Webb, Bayview Hunters Point Community Advocates; Karleen Lloyd, People United for a Better Oakland; Katie Silberman, Center for Environmental Health; Cindy Tuck, General Counsel, California Council for Environmental and Economic Balance; Wan Choe, Korean Dry Cleaner Association; Andrew Clark-Clough, Public Works Agency, City of Oakland; Renee Morrison, Chester St. Block Club Association. *EJWG Members Absent:* Ethel Dotson, Citizens for a Better Environment; Don Hightower, A. Phillip Randolph Institute – AFL/CIO; Jim Payne, PACE 8-5; Karen Licavoli, American Lung Association; Peter McGaw, Co-Chair, Environmental Task Force, Contra Costa Council; Justin Bradley, Silicon Valley Manufacturing Group.

District Staff Present: Peter Hess, Deputy APCO; Robert Kwong, District Counsel; Bill deBoisblanc, Permit Services Division Director; Teresa Lee, Public Information & Education Division Director; Jim Guthrie, Compliance & Enforcement Division Director; Tom Perardi, Planning Division Manager; Gary Kendall, Technical Division Director, Christine Schaufelberger, Ombudsperson; Avi Okin, Meteorological Section Manager; James N. Corazza, Deputy Clerk.

Public Members Present: Dennis Bolt, Western States Petroleum Association; Dan Phelan, Bay Area League of Industrial Associations; Richard Growe, EPA Region IX EJ Team; Karen Susag, Communities for a Better Environment; Jay Mendoza, Silicon Valley Toxics Coalition; Melvin Gaines, Youth United for Community Action; Bob Fletcher, California Air Resources Board; Margaret Prado, City of Oakland.

- 2. Review of Minutes of 11/08/00.** Mr. Lopez noted he is listed in error as an alternate for Charisse Domingo, but in fact he is the appointed YUCA representative. Director Ross moved approval of the minutes as corrected; seconded by Dr. Clark; carried unanimously. Presentations on current state and EJ activities by Mr. Manzanilla and Ms. Terry were rescheduled to the next meeting.
- 3. Election of Vice-Chairperson.** Ms. Schaufelberger stated nominations for Vice-Chair had been solicited via e-mail, and that Dr. Henry Clark was the sole EJWG member so nominated. Dr. Clark accepted the nomination; so moved by Ms. Terry; seconded by Ms. Garvey; carried unanimously.
- 4. Complete Discussion on Use of Consensus Process for EJWG Recommendations.** Ms. Bowen stated the article in the agenda packet from “Green Spirit” entitled “Consensus” sets forth a clear understanding of the consensus process. Ms. Chiang stated the EJAQC believes that to show good faith, EJWG members must, at a minimum, affirm their commitment to the Guiding Principles of EJ adopted by the Board on August 4, 1999. Mr. Angel added that while the Principles of Environmental Justice adopted by The First National People of Color Environmental Leadership Summit in October of 1991 are definitive within the EJ community, EJAQC would accept the signature of the EJWG membership endorsing the BAAQMD’s Guiding Principles on EJ.

Mr. Webb added that the EJAQC feels that in the absence of written commitment to the Guiding Principles, the EJWG should operate instead by voting. Mr. Lopez presented a sheet for the EJWG members to sign which read: "We the undersigned members of the BAAQMD EJWG agree to the BAAQMD Guiding Principles of EJ as adopted in Resolution 99-15 on August 4, 1999." Ms. Silberman and Ms. Lloyd emphasized that EJAQC cannot work within consensus process in the absence of what it considers to be a demonstration of good faith by the EJWG members in endorsing the Guiding Principles. Director Ross observed that this proposal infers that unanimity is to be the EJWG's operative understanding of consensus; and he suggested that if signing the statement today does not violate the Brown Act, it could be signed by those who wished to do so.

Ms. Tuck replied that while CCEEB supports EJ and has developed its own set of EJ principles, the matter of affixing her signature to the proposed document came as a surprise and must first be discussed with CCEEB. Mr. Clark-Cough stated he would have to ascertain whether signing the form was inconsistent with any relevant policy language adopted by the City of Oakland. Mr. Choe added he would also have to discuss the matter of signing the statement with the Korean Dry Cleaner Association. Mr. Haber distinguished EJWG members' personal convictions from their participation on the EJWG as representatives of groups whose participation might be constrained by the appending of a signature. Ms. Bowen inquired if any member objected to endorsing the Guiding Principles, and, hearing none, suggested the matter be agendaized at the next meeting. She added that there is a distinction between the unanimous verbal commitment by the EJWG members present today to work together in good faith in support of the Guiding Principles and the additional legal step of appending a signature which may require consultation with the represented organization, and she urged the Group to move forward on the assumption of support from all participants. Ms. Lloyd suggested postponing further discussion until the matter of signing the statement is resolved. Mr. Clark-Cough replied that decisions, but not discussions, could be postponed, and Mr. Manzanilla agreed, noting that the EJWG is merely at an information gathering and workplan development stage. Noting that the charge of the EJWG is to help the District achieve the goals set forth in the Guiding Principles, Director Ross urged that members be allowed to consult with their respective organizations, and that the discussion move forward. Ms. Bowen stated that while there is agreement in principle among those present today in support of the Guiding Principles on EJ, the new, current or absent members who need to discuss signing the proposed endorsement statement may do so and can report back at the next EJWG meeting.

Mr. Kwong added that the EJWG is covered by the Brown Act, and its deliberations and actions must be open to the public. Any gathering of a majority of the EJWG is a meeting and as such requires agenda noticing. While communication among individual members is not prohibited, serial meetings are not allowed. Issues and matters which are not included on an agenda for a given meeting may not be acted on. The agenda must be posted 72 hours prior to a meeting.

- 5. Discussion on How the District Can Improve or Develop Strategies for Public Outreach and Education Programs.** Ms. Lee stated that the District conducts outreach to EJ communities on a number of levels. It maintains a press list with 130 media outlets, including Spanish, Chinese, Korean, Vietnamese, and African American publications, radio and television stations, and multi-lingual staff routinely conducts interviews in these languages. This year Department of Transportation and the EPA gave the District a grant to develop TV and radio spots for Chinese and Spanish communities; and these are now completed. The District has also conducted radio spots in Vietnamese using own bi-lingual staff. Ms. Lee stated many of the Spare the Air publications are translated into Spanish and are posted on the Spare the Air website. In past years, bi-lingual Board members also gave radio talks on the District's regulatory and outreach programs.

A Spare the Air bookmark has been developed a bookmark in Spanish and a Vietnamese translation of the same is pending. When District adopted the dry cleaner rule it translated materials into Chinese and Korean since many dry cleaning shops are owned by Chinese or Korean primary speakers; and staff also acted as interpreters for Chinese speakers, and hired a Korean translator. The draft permit for the IES Title V hearing was translated into Spanish, and translators were made available at community meetings. The District routinely distributes air quality stories to the ethnic media and newspapers. Recently an op-ed by Dr. John Balms was translated into Spanish and placed in the press, and a Spare the Air article on woodsmoke will soon be translated. Staff is developing outreach on the odor complaint process for the residents of Hunters Point where recently there was a major fire. In the past, bi-lingual Board members have also given radio talks.

Mr. Angel stated that while the translations of the IES Title V draft permit documents into Spanish were made only at the urging of PUEBLO and Greenaction, the translations were not issued sufficiently in advance of the hearing to allow for dissemination to the community and subsequent review; moreover, statements by District staff at the workshops regarding the public's ultimate inability to influence the permit process discouraged meaningful public participation. Lastly, Greenaction has been told by both the Dry Cleaner Associations that there are insufficient regulatory translations available. Ms. Lloyd added that letters in English inquiring as to a need for Spanish translations should contain a Spanish translation of the text on the reverse side.

Ms. Lee observed that Title V permits are highly technical, and present a major, resource-intensive challenge to convey in another language. Mr. Lopez observed that at the Romic facility in East Palo Alto, there is no public outreach, and poor odor complaint response during evening hours; hence, the District needs not only to educate the residents on the complaint process, but about the District's programs in general. Mr. Clark suggested scheduling meetings so that they are more accessible to the public. Ms. Lee replied that a second Title V major facility review regulation workshop is scheduled January 22 in the evening at MTC headquarters in Oakland. Ms. Schaufelberger stated she would e-mail the workshop announcement to the EJWG members.

Mr. Stanley-Jones inquired whether translations, and the provision of interpreters, are "ad hoc" decisions made by management or governed by a policy. Ms. Garvey responded that while there is no set policy, there is a program budget, one of which contains a public outreach element that provides funds for outreach in other languages. Mr. Stanley-Jones suggested the District adopt objective criteria as to when to post translations and/or provide interpreters, and conduct a linguistic analysis of a given community impacted by its decisions by using the data from the 2000 census. Ms. Scandone stated ABAG is compiling this census data and will release it fairly soon. A member of the audience suggested using school districts to obtain comparable information.

Ms. Susag suggested staffing the odor complaint line with multi-lingual staff, as well as providing fact sheets with bi-lingual "front/back" presentations tailored to the language of the community. Ms. Chiang suggested the District consider obtaining an automated computer telephone ring-down system patterned after the Contra Costa County Community Warning System. Beyond translators/interpreters, the District should have multi-lingual cultural outreach workers for outreach in impacted communities. Dr. Clark suggested an alternative might be for the District to contract with community groups who can fill that capacity. Ms. Silberman emphasized it would be more valuable for the District to institutionalize this capacity, rather than rely on community groups, census workers or ABAG for this type of service. Director Ross stated the suggestion as to an effective, possibly collaborative, distribution scheme is worthy of further discussion, and could become a recommendation for the Board Executive Committee to consider.

Ms. Lloyd noted PUEBLO distributes the District's 1-800 complaint number and has been informed by citizens who have used it that District staff do not speak Spanish. Ms. Lee responded that the Spanish-speaking radio-telephone operator recently left the District. Ms. Garvey added that when an operator does not speak the primary language of the complainant efforts are made to find a staffmember who can. Mr. Guthrie added that if complainants leave a number and name in a foreign language, staff tries to find a resource for its translation, but for the present the dispatchers are primarily English-speaking; and after business hours, and on weekends, the District contracts with an answering service, over which it has no control. Mr. Lopez suggested utilizing an answering service with a multi-lingual capacity, with a voicemail message and mailbox for specific languages. Ms. Garvey replied that the District uses a live rather than computerized answering service in accordance with prevailing community preference. There was discussion about the need to learn about weekend odor complaint procedures, and this was agendaized for the next meeting.

Mr. Manzanilla noted the President last year issued an Executive Order to increase access to federal services to individuals with limited English-speaking proficiency, regarding which the EPA is currently in the process of developing guidelines. Once the Department of Justice completes its review the guidance will be issued for public comment. For a local or regional agency, this affects fiscal resources, and it might be helpful to inform the Board, especially during budget preparation, that this is a highlighted element of Title VI. Among the factors to be considered are resources, the importance of the service, and the importance of access to the applicable information in question.

Ms. Chiang opined that the subjects set forth in this initial brainstorming are worthy of further discussion, and that the EJWG is not ready to give priority to each of these issues. Ms. Bowen agreed, and stated this item would be continued on the agenda for the next meeting. Mr. Manzanilla concurred, but suggested, to move the process more expeditiously, that a smaller group from within the community and EJ groups meet between now and the next meeting, to formulate additional suggestions and do some preliminary ranking so that the list is nearer to completion by the next meeting. Ms. Bowen suggested that the EJWG members instead e-mail their ideas and suggestions to Ms. Schaufelberger, who will add them to the suggestions proffered today and transmit them to the entire group prior to the next meeting, and after brief discussion, it was agreed that the suggestions made at today's meeting would be e-mailed to the entire EJWG, with a request for member comments and a solicitation for additional suggestions, which, in turn can be e-mailed to Ms. Schaufelberger. These will then be compiled and reviewed the next meeting, along with the proposal from Mr. Manzanilla to break into smaller groups to discuss the various suggestions.

6. **Set Next Meeting Date.** 6:00 p.m., Wednesday, March 28, 2001, Board Room, 939 Ellis Street, San Francisco, California 94109.
7. **Public Comment.** Ms. Susag stated that BART riders who arrive at West Oakland station receive significant odor events and these stay in the BART car for several stops.
8. **Other Business.** Ms. Terry stated the ARB will meet on 2/15 in Contra Costa County and will provide an opportunity for community groups to address this Board with its concerns.
9. **Adjourn.** 8:03 p.m.

Respectfully submitted by:

JAMES CORAZZA, DEPUTY CLERK OF THE BOARDS